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*Attorneys for Defendant*  
**COSTCO WHOLESALE CORPORATION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAFAELA JACQUEZ, an individual,

**Plaintiff.**

vs.

COSTCO WHOLESALE CORPORATION, a  
Corporation; ROBERT FERGUSON, an  
individual, and DOES 1 to 100 Inclusive.

## Defendants

| Case No. 4:22-cv-03718-HSG

**JOINT STIPULATION TO AMEND  
PLEADINGS PER COURT ORDER  
OF JULY 13, 2023; ORDER**

The Hon. Haywood S. Gilliam, Jr.

Action Filed: May 6, 2022

## **RECITALS**

Pursuant to the Honorable Court's Order of July 13, 2023, regarding defendant Costco Wholesale Corporation's Motion for Leave to File a Late Answer, the parties to this action, by and through their respective attorneys of record, respectfully submit the following Stipulation to Amend the Pleadings, as follows:

1. On May 6, 2022, Plaintiff initiated this lawsuit, and filed a Complaint in the Contra Costa County Superior Court, naming “Costco Wholesale Membership, Inc.” as a Defendant:

2. On June 23, 2022, Defendant Costco Wholesale Corporation filed an Answer to

1 Plaintiff's Complaint, generally denying Plaintiff's allegations and asserting various affirmative  
2 defenses;

3       4. On June 23, 2022, Defendant Costco Wholesale Corporation also filed a Notice  
4 of Removal, and removed this matter to the United States District Court for the Northern  
5 District of California, pursuant to 28 U.S.C. sections 1332(a) and 1441(a);

6       6. On July 6, 2022, the Clerk for Department 21 of the Contra Costa County  
7 Superior Court issued a notice to Costco Wholesale Corporation that it had rejected its Answer  
8 because "Costco Wholesale Corporation" was not a named defendant, and the Court requires  
9 that Costco either file an Answer on behalf of the correctly named entity, or indicate that it was  
10 "erroneously sued";

11       12. On June 28, 2023, Defendant Costco Wholesale Corporation filed a Motion for  
12 Leave to File a Late Answer;

13       13. On July 13, 2023, Plaintiff submitted a Non-Opposition to Costco's Motion for  
14 Leave to File a Late Answer;

15       14. On July 13, 2023, this Honorable Court issued an order directing the parties to  
16 file a stipulation which permits Costco to file a late Answer, and to allow Plaintiff to amend her  
17 Complaint to substitute the correct entity;

18       15. Attached hereto as **Exhibit A** is the Answer Costco Wholesale Corporation  
19 intends to file in this Court.

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## **STIPULATION**

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel of record that, within 30 days of the Court executing this Stipulation: (1) Costco will file the Answer to Plaintiff's Complaint which is attached hereto as **Exhibit A**; (2) Plaintiff will file a first amended Complaint to substitute defendant "Costco Wholesale Membership, Inc." with "Costco Wholesale Corporation". Furthermore, by this stipulation, (3) Plaintiff dismisses Robert Ferguson, an individual, from the action without prejudice.

## **IT IS SO STIPULATED.**

Dated: July 21, 2023

## **FREEMAN MATHIS & GARY, LLP**

By: /s/ Jordan M. Meeks  
Sharon C. Collier  
Jordan M. Meeks  
*Attorneys for Defendant*  
Costco Wholesale Corporation

DATED: July 21, 2023

LYFE LAW

Attorney for Plaintiff RAFAELA JACQUEZ

## ORDER

IT IS SO ORDERED.

DATE: 7/21/2023

Haywood S. Gill Jr.  
HON. HAYWOOD S. GILLIAM, JR.